IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE K.A.ABDUL GAFOOR
&
THE HONOURABLE MR. JUSTICE K.R.UDAYABHANU

WEDNESDAY, THE 24TH JANUARY 2007 / 4TH MAGHA 1928

R. C. Rev..No. 22 of 2007()

IA 1426/2006 IN RCA.4/2006 of II ADDL. DISTRICT COURT, TRIVANDRUM
RCA NO. 37/2005 OF THE RENT CONTROL COURT, THIRUVANANTHAPURAM
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REVISION PETITIONER/APPELLANT.

A.AJITH KUMAR, S/O.APPUKUTTAN,
T.C.14/1632(1), KADAKAMPALLY,
MEDICAL COLLEGE P.O., THIRUVANANTHAPURAM.

BY ADV. SRI.D.SAJEEV
SMT.LIGEY ANTONY
SMT.S.B.JAYARESMI

RESPONDENTS: RESPONDENT.

S.BHADRA KUMAR, BHADRA NIVAS,
VURMA ROAD, KUMARAPURAM,
THIRUVANANTHAPURAM.

BY ADV. SRI.S.ARUN RAJ (CAVEATOR)

THIS RENT CONTROL REVISION HAVING COME UP FOR ADMISSION ON 24/01/2007, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

K.A. ABDUL GAFOOR & K.R. UDAYABHANU, JJ

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R.C.R. NO. 22 OF 2007

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Dated this the 24th day of January 2007

ORDER

Abdul Gafoor,J

There was a direction under section 11(2)(b) of the Buildings (Lease & Rent Control) Act, 1965 by the Rent Controller to deposit the arrears of rent due from the tenant/revision petitioner at the rate of Rs. 3,000/- per month. An appeal was filed by the tenant as R.C.A. No. 4/2006. On a petition by the landlord, an order was passed under section 12(1), to deposit the whole arrears of rent within six weeks. This order was dated 10.07.2006. The tenant/revision petitioner calculated the rent at the rate of 1,500/- and deposit the amount on 24.08.2000. This was disputed by the landlord contending the rent due was at the rate of Rs. 3,000/- The matter was again considered by the appellate authority and as per order in I.A. No. 1426/2000 dated 05.12.2006 it was found that the tenant was liable to deposit rent at the rate of Rs. 3,000 per month and that out of such deposits the landlord can draw only an amount calculated at the rate of Rs. 1,500/- per month. This order is under challenge in this revision petition contending that he had disputed the rent claimed by the

landlord at the rate of Rs.3,000/- and had admitted the rent payable only at the rate of Rs. 1,500/- We have gone through the objections filed by the tenant before the Rent Control Authority and found that there was no real and categorical averment disputing the rate of rent. But at the same time, the prime contention urged in the appeal is that the rent payable was only at the rate of Rs. 1,500/- In the circumstances, the appellate authority was left with no option other than to pass an order as mentioned above, protecting the interest of both. Therefore, we see no reason to interfere with the impugned order.

Anyhow, taking note of the aforesaid facts, the request of the revision petitioner to grant him two weeks time to pay the balance amount as directed by the appellate authority is justified. Accordingly two weeks time from today is granted to pay the said balance amount.

The R.C.R is disposed of accordingly.

K.A. ABDUL GAFOOR, JUDGE

K.R. UDAYABHANU, JUDGE.

RV